

Minneapolis City Planning Department Report
Rezoning, Conditional Use Permits, and Site Plan Review (BZZ-1270)

Date: October 7, 2003

Date Application Deemed Complete: June 25, 2003

Date 60 day Decision Period Stopped: July 21, 2003

Date 60 Day Clock Restarted: August 18, 2003

End of 60 Day Decision Period: September 20, 2003

Date Extension Letter Sent: September 16, 2003

End of 120 Day Decision Period: November 19, 2003

Applicant: Sherman Associates

Address Of Property: 1424-28 and 1448 Marshall Street NE

Contact Person And Phone: Alison Brueggemann – Sherman Associates 612-332-3000

Planning Staff And Phone: Jim Voll 612-673-3887

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Association

Existing Zoning: I1 Light Industrial District

Overlay Districts: MR Mississippi River Critical Area Overlay District and SH Shoreland Overlay District.

Proposed Overlay District: Industrial Living Overlay District

Proposed Use: A three and four-story 101-unit residential building.

Concurrent Review: A rezoning to add the Industrial Living Overlay District (ILOD) to the I1 District; conditional use permit to allow 101 residential units; conditional use permit to allow the building to exceed the maximum allowable height of 2.5 stories or 35 feet, whichever is less, to 3 stories in the Mississippi River Critical Area Overlay District; and site plan review.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 530 Site Plan Review; and Chapter 551 Overlay Districts.

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Background: This item was continued from the July 21, 2003 and September 22, 2003 meetings of the City Planning Commission to allow the developer to meet with the neighborhood group. Sherman Associates originally proposed to build a four-story, 119 unit residential building at 1424-28 and 1448 Marshall Street NE. The design has been modified to reduce the height to three stories for that part of the building that is within 300 feet of the Mississippi River. The number of units has been reduced from 119 to 101 units. Various other changes to the design are listed in an attachment to this report from the developer. The development will have an affordability component and is seeking housing revenue bonds. Please see the attached MCDA/CPED staff report for details.

Staff has received extensive comments from the DNR and National Park Service regarding the Mississippi River Overlay District. In general, they request that the building meet the 35 foot height requirement and request appropriate vegetation on the site (please see attached letters). The Above the Falls Citizens Advisory Committee (AFCAC) has recommended denial of the project (please see attached letter). The Sheridan Neighborhood Organization (SNO) voted 10 to 10 on the project at its meeting of September 22, 2003, but staff has received a letter opposing the project that is attached to the report. The Bottineau Neighborhood voted to oppose the project at its meeting of September 25, 2003 (please see attached letter). Park Board staff has provided a letter stating that the design is acceptable that is attached to the report.

REZONING (to add the Industrial Living Overlay District to the I1 district)

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan does not place a specific designation on this area, but does indicate that the upper river area is appropriate for major housing sites. The plan states the following about major housing sites:

“To prepare for the future and successfully add to the city's "quilt" of vital, livable neighborhoods, new development sites must be secured. Identifying project sites appropriate for redevelopment will focus on the surrounding context and on the market appeal of certain housing types. Although Minneapolis is one of the most developed areas in the metropolitan region, certain sites stand out as excellent candidates for new housing construction. These areas require further study to determine feasibility and answer planning concerns. Certain guiding principles, such as locating these sites close to amenities of all kinds and reserving prime sites for higher density structures, will direct future development. The city's approach in working with developers and other public agencies seeking to build on Major Housing Sites, in Growth Centers, or close to Commercial Corridors will be to focus attention on the surrounding environment, in terms of traffic impacts, connections to the transit system, and connections to amenities such as natural (ecological) features, pedestrian-friendly, walkable environments, connections to public facilities (e.g. schools, libraries and parks.) Potential housing sites are designated in the plan to draw attention, provoke discussion and encourage all interested parties to plan for the future of Minneapolis' residential neighborhoods. (See Map 1.4.5)”

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The plan has the following policy and implementation steps for major housing sites:

4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

Implementation Steps

Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.

Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)

Protect Major Housing Sites for medium (10-30 units per acre) to high (30+units per acre) density residential development from development proposals which exclude housing through land use controls, redevelopment plans and other available means.

Designate Major Housing Sites as listed with the adoption of this Plan.

Promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate.

Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

The development has an affordability component. It will have a mix of affordable and market rate units. *The Minneapolis Plan* states the following about affordable housing and housing choice, including the relevant policies and implementation steps:

“In order to expand housing choices for residents who face economic constraints, it is essential to increase the supply of affordable housing. This is particularly important not only for the very poor. Working families at a range of income levels benefit from housing that does not consume too great a share of the household income, that leaves resources available to attend to the many other important human needs. Affordable housing not only benefits its occupants. It benefits the entire city and region by supporting the diverse workforce required by a vital economy. Affordable housing development can bring reinvestment into neighborhoods that face economic challenges. Strong neighborhoods benefit from the addition of cultural and economic richness. Housing located near transit lines or job centers provides savings that goes beyond what is evident from the level of rent or mortgage payments.”

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

Implementation Steps

Provide regulatory incentives for affordable housing development.

Create a single strategic plan for housing that establishes priorities, sets goals, launches initiatives, refines programs, and is the focus of regular evaluation.

Develop new funding streams for affordable housing.

Promote increased development of housing for very low-income households earning 30% or less of metropolitan median income.

Improve the efficiency of City investment in the creation and preservation of affordable housing.

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Develop a close dialog with community participants about appropriate locations and design standards for new affordable housing.

Foster partnerships with housing developers, financial institutions, faith communities and others to extend the City's capacity to create affordable housing.

Partner with other municipalities, the Metropolitan Council and state government to develop a regional strategy for increasing the supply of affordable housing, supported by a more predictable, long-term revenue stream.

Support mechanisms such as community land trusts and housing cooperatives to create long term affordable housing.

Improve access of low-income families to sources of housing financing.

“The diversity of Minneapolis housing reflects the diversity of its citizens. Minneapolis citizens are from different household sizes and have different means. Age, preferences in housing style, and individual needs also vary. The needs of many citizens are met in the existing housing stock. Housing in Minneapolis neighborhoods ranges from primarily owner-occupied single family homes, to areas where high-density residential development is the norm. Two-story homes, bungalows and Victorians dominate in different parts of town. Cooperatives, condominiums, and apartment buildings house many citizens. Newer developments are adding to this diversity with townhomes, row housing, and planned residential developments that use common space in creative ways. Some of these are uniquely viable in Minneapolis because of its unique character as the center of the region.

While condition and management of housing requires ongoing attention in many parts of the city, the diversity of housing in and between neighborhoods is to be embraced and protected. The city's amenities and its identity as the center of the region will continue to attract people with a diversity of needs and interests – from the working class, the creative class and the professional class. Choice in housing supports the vitality represented by this wide-ranging population.

For disabled and elderly residents and populations that face economic challenges, choice in housing means supporting the provision of options that address their distinct and varied needs. This includes housing designed for handicapped accessibility and continuum of care, and various kinds of supportive housing.”

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Provide and maintain areas that are predominantly developed with single and two family structures.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

Promote accessible housing designs to support persons with disabilities.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

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Implement city policies related to the provision of housing for homeless individuals and families.

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges.

Encourage the rehabilitation and sensitive reuse of older or historic buildings for housing including affordable housing units.

The rezoning of this parcel to add the Industrial Living Overlay District is in conformance with the above noted policies of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning will allow the applicant to redevelop the property and this is in their interest. However, it will also redevelop an industrial property in to a residential development with a range of affordability. This is in the interest of the public.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

There is industrial zoning to the north and south of the site. There are industrial and residential uses to the north and a commercial use to the south of the site. There are multi-family residential zoning and uses to the east.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The I1 District allows a range of light industrial and office uses.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

In general, the area is undergoing a redevelopment. To the south the Grain Belt brewery has been converted to offices and a public library. New housing is proposed for the area around the brewery as well. This pattern has emerged since the area was first zoned industrial.

CONDITIONAL USE PERMIT (to allow 101 units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Any residential development of five units or more requires a conditional use permit. The proposed building meets the required setbacks, lot size, and floor area ratio requirements. The building and site are required to meet the standards of the site plan review chapter and are required to have an erosion control and stormwater management plan as a part of the final site plan approval. If the development meets all of these standards and with appropriate conditions of approval the proposed development should not be detrimental to the public health, safety, or welfare.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed development meets all of the requirements of the zoning code, with the exception of a small increase in height in the Mississippi River and Shoreland Overlay District. The buildings have been setback to accommodate future widening of Marshall Street NE and provisions have been made to provide access to riverfront trails from and through the site. The site is near other multi-family housing and is north of the redeveloping Grain Belt complex. With proper conditions of approval it should not be detrimental to surrounding properties nor impede orderly development in the area.

- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Existing roads and utilities are adequate. An erosion control and a stormwater management plan are required as a part of the final site plan approval before building permits may be issued.

- 4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

One hundred and one parking spaces are required for the building and 101 are provided in an underground parking garage and an additional 20 are provided in a surface lot. In general, it is the policy (the zoning code only requires one space per dwelling unit) of the city to require one space per dwelling unit for multifamily buildings. If it is determined that more parking is necessary it may be possible to provide more surface parking, but this would result in a loss of greenspace.

5. Is consistent with the applicable policies of the comprehensive plan.

See finding number 1 under the rezoning section of this staff report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit, and site plan review.

CONDITIONAL USE PERMIT (to increase the height of the building)

The I1 Industrial district limits maximum height to 4 stories or 56 feet, whichever is less. However, the site is in the Mississippi River Critical Area Overlay District. In the overlay district the maximum height of all structures within 300 feet of the Mississippi River is limited to 2.5 stories or 35 feet, whichever is less. The part of the building within 300 feet of the River is 35 feet, or less, as measured from the grade at the front of the building, but since it is three stories a conditional use permit is required to allow a third story rather than a half story, even if it is 35 feet.

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Any residential development of five units or more requires a conditional use permit. The proposed building meets the required setbacks, lot size, and floor area ratio requirements. The building and site are required to meet the standards of the site plan review chapter and are required to have an erosion control and stormwater management plan as a part of the final site plan approval. If the development meets all of these standards and with appropriate conditions of approval the proposed development, even with a small increase in height, should not be detrimental to the public health, safety, or welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The proposed development meets all of the requirements of the zoning code, with the exception of a small increase in height in the Mississippi River and Shoreland Overlay District. The buildings have been setback to accommodate future widening of Marshall Street NE and provisions have been made to provide access to riverfront trails from and through the site. The site is near other multi-family housing and is north of the redeveloping Grain Belt complex. With proper conditions of approval it should not be detrimental to surrounding properties nor impede orderly development in the area.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Existing roads and utilities are adequate. An erosion control and a stormwater management plan are required as a part of the final site plan approval before building permits may be issued. The increase in height should not have an impact on these items.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

One hundred and one parking spaces are required for the building and 101 are provided in an underground parking garage and an additional 20 are provided in a surface lot. In general, it is the policy (the zoning code only requires one space per dwelling unit) of the city to require one space per dwelling unit for multifamily buildings. If it is determined that more parking is necessary it may be possible to provide more surface parking, but this would result in a loss of greenspace. The increase in height should have little effect on congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

See finding number 1 under the rezoning section of this staff report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit, and site plan review.

In addition to the conditional use standards contained in Chapter 525 and this article noted above, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

The increase in height should not prevent access to light and air for surrounding properties significantly more than if the height were limited to 2.5 stories.

(2) Shadowing of residential properties or significant public spaces.

An increase from 2.5 stories to three stories should not significantly increase the amount of area on adjacent properties that is shadowed as the building is separated from the north property by a parking lot and the future river trail by a large rear yard.

(3) The scale and character of surrounding uses.

To the north of the building are a single-family home and industrial buildings and to the south is a commercial building. Across Marshall Street to the east there are 2.5 story single-family homes and a three-story apartment building at a higher grade. The front of the building outside the 300-foot distance from the river is allowed to be four-stories high. The increase in height from 2.5 stories to three stories should not be out of character with the surrounding area.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

Since the front part of the building can be four stories, the increase in height of the rear portion should not block views of the river for properties to the east of the site or of properties to the north of the Grain Belt brewery.

SITE PLAN REVIEW

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the

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site, within the principal building served, or entirely below grade.

- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

There are plans to widen Marshall Street NE in this area to an 80 foot right-of-way to allow a combination of medians, left turn lanes, and a bike lane. The applicant has met with County officials and has moved the building back far enough to meet the future right-of-way and still provide a 15 foot setback from the future right-of-way line. This sets the building back 30 to 50 feet from the existing Marshall Street. Staff recommends alternative compliance to allow this, so as to facilitate the future Marshall Street plans. Before final plans are approved, planning staff, County staff, and the applicant should meet to make sure the building is as close to the right-of-way as it can be, while still meeting the street plans and providing a setback. The area between the building and the public sidewalk will be landscaped. The principal entrance faces Marshall Street NE. The façade of the building provides architectural detail and contains 20 percent windows on the first floor. The exterior materials are compatible on all sides of the building. The elevations show the use of stucco. EFIS shall not be used in place of stucco on the final plans.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The principal entrances and parking area are connected to the public sidewalk by a five-foot wide walkway. Public Works and the Fire Department have reviewed the access and circulation and find them acceptable. There is sufficient room on site for snow storage. Impervious area has been minimized. Permeable paving has been utilized for the maneuvering area required by the fire

department.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Approximately 60 percent of the site is landscaped area. The required number of trees and shrubs are provided. The required screening along the north property line for the residential use has not been provided. This shall be added to the final site plan. The City's landscaping consultant has reviewed the plan and has found it acceptable.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

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The City's CPTED officer has recommended that all plantings follow the 3' – 7' rule to allow visibility into the site and that lighting be provided for security purposes.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Hours of Operation: Hours businesses can be open to the public in the I1 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. through 11:00 p.m. Friday and Saturday. This is a residential building that does not contain commercial or office uses.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The trash enclosures are located inside the building. If trash storage is moved outside of the building then they containers shall be screened per code.

Signage: All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office. A 4-foot by 10-foot freestanding (monument) sign is proposed. While this size sign is allowed in the industrial district, it would be limited to 32 square feet in the residential districts. Since there is a residential use to the north of the site and there are residential uses across the street, staff recommends that the proposed sign be limited to 32 square feet.

MINNEAPOLIS PLAN: See finding number 1 under the rezoning section of this staff report.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The *Above the Falls Master* plan was adopted by the City Council in June of 2000. The introduction to the plan states that "The Upper River Master Plan presents a bold vision for developing the Mississippi riverfront into a regional park amenity in north and northeast Minneapolis. The need for action is clear: heavy industry on the river continues to pose land-use conflicts, while adjacent neighborhoods struggle to provide a quality of environment that attracts new investment."

The introduction lists the following general objectives and recommendations:

Master Plan Objectives

- Provide public access to river.
- Create a system of Riverway Streets
- Enhance the ecological function of river corridor.
- Link Upper River to Grand Rounds parkway system.
- Realize the area's potential for economic development.
- Establish urban design guidelines.

Summary of Recommendations

Parks, Urban Design, and Environmental Restoration

- Create a continuous and integrated riverfront parks and open space system long the Upper River.
- Construct recreational trails along both banks of the river.
- Provide space in parks for riverbank, landscape, and habitat restoration.
- Develop waterfront features in new parks, and nodes of interest at regular intervals along trails.
- Preserve hospitality uses within parks corridor.
- Establish a Riverway Street System, with common streetscape elements and signage that identify streets leading to and paralleling the riverfront.
- Designate no-build zones to hold view corridors to the river and downtown skyline.
- Construct a system of area-wide water quality ponds that meet the highest standards for stormwater retention and filtration.
- Extend West River Parkway to North Mississippi Regional Park.
- Convert the BN Bridge to a pedestrian and bicycle facility linking both banks.
- Reconstruct Marshall Street as a boulevard, with new landscaping and bicycle lanes.

Land Use and Implementation

- Establish an Upper River Development Corporation as a non-profit entity with the sole purpose of implementing the Upper River Master Plan.
- Rezone property in accordance with the Upper River Land Use Plan.
- Close the Upper Harbor Terminal.
- Phase out heavy-industrial uses in Upper River corridor.
- Transition land use in corridor to a mix of parks, residential, light-industrial, and commercial uses.
- Develop new riverfront residential and mixed-use communities on west bank.

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The plan seeks the highest and best use adjacent to riverfront parks, including the development of new residential communities.

The plan does not have a specific recommendation for an exact type of development on this site. The land use plan on page 59 shows this area as commercial with a park trail along the river. The Urban Design chapter shows a larger commercial/office development in a drawing on page 91 and indicates that this area could be a small development including residential units, studios, and offices that would support the Grain Belt complex. The recommended zoning map on page 113 designates the future zoning as “specially planned district,” but does not provide the type of guidance as to what types of uses should be developed in this area as it does for the other areas designated for planned unit developments on the west bank. The plan does say (page 60) that “the land use plan assumes that the patterns and densities of residential use on the east bank will remain basically the same, with the exception of removing a small number of single-family detached and apartment units on the west side of Marshall Street...once the continuous park is created to the west of Marshall, the market and private owners may be encouraged to redevelop some properties on the east side.”

So while there is not a specific recommendation for this parcel there is indication that a higher density residential could be appropriate in this area, especially when viewed in concert with the policies of *The Minneapolis Plan*. Other types of development, such as a mixed use residential and commercial planned unit development, could also be appropriate for the site.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is necessary to allow the building to be setback further than eight feet from the property line or setback line in order to facilitate a future widening of Marshall Street.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

REZONING (to add the Industrial Living Overlay District)

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application to add the Industrial Living Overlay District to property located at 1424-28 and 1448 Marshall Street NE.

CONDITIONAL USE PERMIT (for 101 units)

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 101 units for property located at 1424-28 and 1448 Marshall Street NE subject to the approval of the rezoning, conditional use permit for height, and site plan review.

CONDITIONAL USE PERMIT (to increase the height of the building to three stories)

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the building from the maximum allowable height of 2.5 stories to 3 stories for property located at 1424-28 and 1448 Marshall Street NE subject to the approval of the rezoning, conditional use permit for units, and site plan review.

SITE PLAN REVIEW

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 1424-28 and 1448 Marshall Street NE subject to the following conditions:

- 1) Approval of the rezoning and conditional use permits.
- 2) Staff review and approve the site plan, lighting plan, landscaping plan, and elevations before building permits may be issued. The location of all exterior mechanical equipment and screening of this equipment shall be shown on the plan. All site improvements shall be completed by September 30, 2004 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

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- 3) If the estimated site improvement costs (landscaping) exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits may be issued.
- 4) Compliance with the standards of the MR Mississippi River Critical Area Overlay and SH Shorelands Overlay Districts.
- 5) The applicant shall work with Park Board staff and Planning staff to ensure the plant types in the landscaping plan meet the standards of the applicable overlay districts.
- 6) Additional landscape screening shall be provided along the north property line to screen the parking area to the residential use as required by code.
- 7) The monument sign shall be limited to a maximum of 32 square feet.
- 8) Those areas designated as stucco on the elevations shall not be replaced with EFIS at the final site plan stage.
- 9) The applicant will work with staff to make sure the building is as close as possible to the future right-of-way while still allowing room for an adequate setback.